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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,501	02/07/2002	Gerard Hodgins	6544-1007	2735
7590	03/10/2004			EXAMINER
John W. Hayes Esquire John W Hayes PC P.O. Box 365 Arlington Height, IL 60006-0365				CHORBALI, MONZER R
			ART UNIT	PAPER NUMBER
				1744

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/071,501	HODGINS, GERARD
	Examiner MONZER R CHORBAJI	Art Unit 1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 February 2002.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 5-10 and 14-18 are objected to under 37 CFR 1.75(c) as being in improper form. See MPEP § 608.01(n). Accordingly, the claims 5-10 and 14-18 have not been further treated on the merits.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19-20 refer to figures 1-3 such that it is not clear to which part of the figures the applicant is referring to. Thus, the scope of the claims is not determined and claims 19-20 have not been further treated on the merits.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis (U.S.P.N. 5,277,136).

Art Unit: 1744

With respect to claims 1 and 11, Davis teaches an apparatus (figure 1, 10) and a method for treating municipal waste (col.1, lines 6-8) including the following: introducing waste material through an entry door (col.3, lines 35-39) onto an auger mounted within a sealable vessel (figure 1, 22 and col.2, lines 35-36) such that the vessel having an entry port and an exit port (figure 1, 82 and 84), sealing the vessel (col.8, lines 10-19), effecting the creation of a vacuum within the vessel (col.4, lines 37-39), applying steam to the waste material and agitating the waste material by a rotation of the auger in both a forward and reverse direction (col.8, lines 10-19 and col.3, lines 52-55) while the steam is being applied through a plurality of steam entry ports (figure 1, 94), and during the application of the steam to the waste material the temperature within the vessel is maintained above 120 degree Celsius (col.8, lines 10-19).

With respect to claim 2, Davis discloses treating infectious medical waste such that a medical waste comes from, for example, a hospital, which is a municipal source of waste.

With respect to claims 3-4, Davis shows a sealable vessel with steam entry ports located on an outside surface and along an axis of the auger so as to effect the introduction of steam outwardly onto the waste material disposed within (figure 1, 22 and 94).

With respect to claims 12-13, Davis teaches that the temperature is maintained at least 130 degree Celsius (col.8, lines 10-19) and the steam is applied for a time period of about 40 minutes (col.4, lines 8-16).

### ***Conclusion***

6. The prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Quinn et al (U.S.P.N. 5,556,445) teaches the concept of lifting fins and Black (U.S.P.N. 3,717,434) discloses the concept filtering the withdrawn condensate for further use.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 8:30-5:00.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT J WARDEN can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patent Examiner  
AU 1744  
03/05/2004

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